



**Brighton & Hove
City Council**

PLANNING COMMITTEE ADDENDUM

2.00PM, WEDNESDAY, 12 JULY 2017

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD,
HOVE, BN3 4AH**

ADDENDUM

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BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 10 MAY 2017****COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Allen, Brown, Hyde, Inkipin-Leissner, Littman, Miller, Moonan and Morris

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Paul Vidler (Planning Manager Major Applications), Liz Arnold (Principal Planning Officer), Sandra Rogers (Acting Planning Manager Policy Projects and Heritage), Stewart Glassar (Principal Planning Officer), Gareth Giles (Principal Planning Officer), Steven Shaw (Development and Transport Assessment Manager), Maggie Moran (Flood Risk management Officer), Francesca Iliffe (Sustainability Project Officer), Sam Rouse (Senior Technical Officer), Kate Cole (Country Ecologist), Virginia Pullen (County Landscape Architect), Hilary Woodward (Solicitor), and Cliona May (Democratic Services Officer).

PART ONE**145 PROCEDURAL BUSINESS****a Declarations of substitutes**

145.1 Councillor Allen was present in substitution for Councillor Russell-Moyle.

145.2 Councillor Brown was present in substitution for Councillor Bennett.

b Declarations of interests

145.3 The Chair noted that the Members had received emails regarding Item A, Land South Of Ovingdean Road, Brighton but had not entered into correspondence.

145.4 Councillor Morris declared that he was unable to have an open mind regarding Item B, 22 Freshfield St, Brighton, and would not participate in the consideration and the vote on the application. He agreed to withdraw from the Council Chamber.

145.5 The Chair noted that she had worked as a Planning Consultant on the site of Item C, Land to the Rear of 4 - 34 Kimberley Road, Brighton; however, it was in relation to a former scheme and the Chair had an open mind.

c Exclusion of the press and public

145.6 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

145.7 **RESOLVED** - That the press and public be excluded from the meeting during consideration of the items contained in Part Two of the agenda.

d Use of mobile phones and tablets

145.8 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘airplane mode’.

146 MINUTES OF THE PREVIOUS MEETING

146.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 11 January 2017 as a correct record.

146.2 **RESOLVED** – That the Chair be authorised to sign the Part One minutes of the special meeting held on 3 April 2017 as a correct record.

147 CHAIR'S COMMUNICATIONS

147.1 There were none.

148 PUBLIC QUESTIONS

148.1 There were none.

149 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

149.1 There were no further requests for site visits in relation to matters listed on the agenda.

150 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

**A BH2016/05530 - Land South Of Ovingdean Road, Brighton - Outline Application
Some Matter Reserved**

Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

Officer Introduction

- 2) The Principal Planning Officer, Liz Arnold, and the Acting Planning Manager Policy Projects and Heritage, Sandra Rogers, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained that Members had received a copy of the Additional Representations List which included an update regarding the areas of spend for the open space and indoor sports contributions. In addition to the representations on the list a further 8 letters of objection had been received. These additional representations; however, did not include any new material planning considerations in addition to those set out in the report. It was noted that further comments from the County Landscape Architect and County Ecologist had been received in response to recently received third party objections. It was considered by the County Ecologist, Landscape Architect and Officers that the proposed ecology and planting mitigation was acceptable and such mitigation could be secured by various conditions.
- 3) The application sought outline permission for the construction of 45 dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part reconfiguration of existing paddocks. The application included a new vehicular access from Ovingdean Road and junction improvements with Falmer Road would be provided. It was noted that matters for assessment in the application included layout, access, landscaping and scale, whilst the appearance was reserved. Although the appearance was reserved it was stated within the application that the proposed dwellings would be two storeys in height and that the ridgelines of the proposed properties would reflect the East to West gradient of the site.
- 4) It was explained to the Committee that 40% of the proposed units, 18 units, would be affordable housing, including one, two and three bed units with an offered tenure mix of 55% social, affordable rent, 10 units, and 45% intermediate, 8 units.
- 5) The Principal Planning Officer noted that the site was classed as an urban fringe site located between the defined built up area boundary of the City and the boundary of the South Downs National Park. An Urban Fringe Assessment was commissioned by the Council in 2014 in response to the City Plan Part One Examination Inspector's instructions to plan more positively for housing. The assessment provided an indication of the overall potential for housing within each of the City's identified urban fringe sites and 66 sites in total were identified.
- 6) The application site and the playing fields located to the south of the application site were identified as site 42 within the Urban Fringe Assessment. The lower, north-

western part of the application site was assessed in the Urban Fringe Assessment to have the potential to provide approximately 45 low density residential units. Such development was considered to offer the potential to mitigate adverse impacts on the wider landscape character and not significantly affect views from the South Downs National Park, although the site was located in a sensitive area close to boundaries of the South Downs National Park which is a landscape of national importance.

- 7) It was stated that since submission of the application the proposal had been amended to omit the former Local Area Play and a community growing area due to officer's concerns regarding adverse harm on the visual and landscape amenities of the site and surrounding area.
- 8) The site was visible from the local area and in particular from Ovingdean Road and Falmer Road. The wider views from the Downs tended to be obscured by landform and the location of the site in the bottom of the valley. The most significant views from the Downs were from the bridleway on Mount Pleasant. The Landscape and Visual Impact Assessments submitted as part of the application had been assessed by the County Landscape Architect and it was considered that the proposed development would have at worst a moderate visual effect from the most sensitive viewpoint on Mount Pleasant, once the proposed mitigation planting had matured in 10 years.
- 9) The Officer stated that overall given the conclusions of the appeal Inspector regarding the development of 85 dwellings and the fact that the current proposal was for 45 dwellings and retained a larger open space area to the east of the proposed dwellings, it was considered that the proposal would not have a significant harmful impact upon the visual amenities and landscape including the setting of the South Downs National Park.
- 10) The site was not covered by any statutory or non-statutory designations for nature conservation interest; however, sites of nature conservation importance were located nearby. The 2014 application was refused by the Local Planning Authority on ecology grounds in that the Local Planning Authority was unable to assess the likely impacts of the proposed development for 85 dwellings due to omissions in the Environmental Statement.
- 11) The Officer explained that the proposed mitigation measures would include a regime for the adjacent Site of Nature Conservation Interest (SNCI) to enhance the existing populations of the species and the storage of seeds should remedial measures be required and annual monitoring. It was stated that overall, provided that the recommended mitigation measures are implemented, which included detailed mitigation strategies for the Red Star Thistle and reptiles, an ecological design and ongoing management of habitats, it was considered that the proposed development could be supported from an ecological perspective.
- 12) The earlier scheme was also refused by the Local Planning Authority on grounds of air quality due to insufficient information and a discrepancy in traffic data inputs to the dispersion model that supported the air quality assessment. During the appeal the appellant submitted a further Air Quality Assessment report and had further discussions with the Air Quality Officer. The results of the additional report were that the refused scheme would have a negligible impact to air quality within the Air Quality

Management Area (AQMA). The Inspector therefore concluded that the proposal for 85 dwellings would not be harmful to air quality including within the Rottingdean AQMA.

- 13) It was explained that within the appeal decision the Inspector considered that based on the scale of development and the conclusions of the appellant's transport assessment, the development of 85 dwellings would not be harmful to local traffic conditions.
- 14) The application was subject to various conditions and S106 Head of Terms, including a package of highway works to be undertaken by the development in lieu of a sustainable transport contribution. The Highway Authority had assessed the number of trips that was forecast to be generated by the proposal and that arising from committed developments in the area that may also generate additional traffic on Falmer Road.
- 15) It was noted that whilst appearance of the proposal was reserved it was indicated that the proposed dwellings would be two storeys in height, secured via condition 10, and that the ridgelines of the proposed properties would reflect the east to west gradient of the site.
- 16) The proposal had been assessed in terms of impact upon the amenity of the neighbouring properties, including the loss of privacy, loss of daylight/sunlight and overshadowing. It was considered that the proposal would not have a significantly adverse impact upon the amenities of neighbouring properties due to the restricted height, the proposed urban form of the layout and the distance between the proposed dwellings and existing neighbouring properties.

Public Speaker(s) and Questions

- 17) Ms Thomson addressed the Committee in her capacity as an objector and explained that she represented Arbeco, which had been commissioned by the Deans Preservation Group. She explained that Meadow Vale was a diverse site with a high number of protected and rare species. In 2013 the site would have been designated as a Wildlife site due to the red star thistle; however, the site could not be accessed at the time. In comparison to Malling Down Nature Reserve, which was 22 times the size of Meadow Vale, Meadow Vale had 800 recorded species and had over 40% of the species found in Malling Down. Planning Policy stated that if biodiversity could not be protected then appropriate mitigation must be in place; however, this had not been proved by the applicant. The majority of distribution of the red star thistle would be lost to the development and 8% would be retained rather than the 32% claimed by the applicant and the 400 invertebrates species on the site would be lost. It was added that if the application was granted permission then it would set a dangerous precedent.
- 18) In response to Councillor Hyde Ms Thompson explained that when she surveyed Meadow Vale she had noted over 140 species from walking through the site, whereas, other sites of a similar size typically had 60-80 species. She added that the site should be protected as similar greenfield sites were.
- 19) Ms Thompson explained that horse grazing on the site had a highly beneficial impact and the seeds of the red star thistle were short lived and needed grazing. It was also noted that the grassland acted as a refuge for species in the area as the site was surrounded by playing fields and farms.

- 20) In response to Councillor Miller Ms Thompson noted that approximately 8% of species would be retained through mitigation rather than 32%.
- 21) In response to Councillor Gilbey it was explained that the ground was different at the top of the site as it was rockier and held chalk land species as opposed to the red star thistle located at the bottom half of the field.
- 22) In response to the Chair Ms Thompson explained that the red star thistle would not survive without horses grazing.
- 23) Ms Butler addressed the Committee in her capacity as a Rottingdean Parish Councillor and explained that she was speaking on behalf of the objectors. The proposed site was ecologically valid and was a link between Ovingdean, Rottingdean and Woodingdean. Brownfield sites should be prioritised for development over the Urban Fringe. The development would create an additional strain on the facilities in the area. She noted that 32 new homes had recently been granted permission in the area and additional dwellings would impact enormously. There were currently traffic problems in the area and the development would generate additional vehicle movements through Ovingdean, Falmer Road and Rottingdean High Street. Ms Butler requested that the Committee did not grant planning permission for the development until the ecology report and transport and highways report were reviewed.
- 24) Councillor Mears addressed the Committee in her capacity as a Local Councillor and explained that despite some amendments to the application the footprint of the site seemed larger and there was a potential that the rest of the site could be developed at a later stage. She explained that a balance was needed for housing in the city and retaining the urban fringe. She noted that there were existing traffic problems on Falmer Road, Rottingdean High Street and the turning onto the A27 and the roads through Ovingdean were used by vehicles to avoid the congestion on the seafront. The additional vehicles in the area could be up to 90 and this would cause a problem with off-street parking and adding to the traffic congestion. She noted that as the site was close to the South Downs National Park it would be difficult for the horses using the paddocks on the site to be relocated as permission was hard to gain. She requested that the Committee did not support the Officer's recommendation as the development would be detrimental to the villages.
- 25) Mr Weaver and Dr Simpson addressed the Committee in their capacity as the applicant and thanked the Planning Officer's for the advice given at the pre-application stage and ensuring that the amendments submitted were considered when making a recommendation. Mr Weaver explained that the previous application was dismissed at appeal was for 85 dwellings for reason of visual impact, whilst the issues raised regarding air quality and ecology were deemed acceptable. The current application had retained an additional two hectares of open space and had received support from various bodies, including; the Highways Authority, Landscape Architect and the South Downs National Park. The development would make a valuable contribution to the housing need in the city and it would offer affordable housing. An ecology assessment had been completed over three years and the proposed 45 dwellings would retain green open spaces for species, such as the red star thistle. The County Ecologist was satisfied with the conditions and proposed mitigation.

- 26) In response to Mr Gowans, the Conservation Advisory Group (CAG) representative, Mr Weaver explained that extensive reports had been completed by consultants and the scheme would be fully deliverable.
- 27) In response to Councillor Moonan Dr Simpson explained the grass and red star thistle would be retained at the east and north west of the site. The relocation of the plant would include the turf containing the seeds of the red star thistle that remain in the soil for approximately two years and additional seeds could be sowed if the relocation was not successful.
- 28) In response to Councillor Morris Dr Simpson explained that horse grazing would continue on the site and this would help the red star thistle seed to spread. It was added that other grazing animals could be used.
- 29) In response to Councillor Miller Mr Weaver explained that the west of the site had drainage issues and mature trees; therefore, there was limited potential for developing in the area.
- 30) In response to Councillor Hyde Dr Simpson explained that he would not dispute Ms Thompson had recorded 140 species; however, he noted that this could have included common species.

Questions for Officers

- 31) In response to Councillor Moonan the County Ecologist explained that the site had not been designated as a local wildlife site as it could not be accessed.
- 32) In response to Councillor Miller the County Ecologist explained that the red star thistle had not been mapped but had looked at the growing pattern over the past three years. It was added that they were unsure why red thistle develops in some areas rather than others; however, this could be a result of where the surface water runs.
- 33) In response to Councillor Morris the Principal Planning Officer explained that it was an outline application and did not have the proposed layouts for the dwellings; however, occupancy could be conditioned when a full application was brought to Planning Committee.
- 34) In response to Councillor C. Theobald it was explained that there would be a loss of some of the existing paddocks; however, this was not a material planning consideration.
- 35) In response to Councillor Mac Cafferty it was noted that green roofs and district heating would be addressed by the Applicant at the reserved matters stage. It was stated that there was a proposed community allotment on the previous application submitted; however, this was proposed in a sensitive location and alternatively the Applicant had agreed to include food growing trees in the scheme. It was also explained that the scheme would provide 40% affordable housing and the design would be agreed with the applicant to ensure one could not distinguish the affordable.

- 36) The Principal Planning Officer clarified to Councillor Mac Cafferty that a site waste management plan was covered in condition 18 and an audit was required for the produced waste. It was also explained that Brighton & Hove did not have any formally designates green belt or strategic gaps.
- 37) In response to Councillor Mac Cafferty it was noted that an Applicant could submit an outline application with matters reserved and it was not in the Officer's remit to request a full application. The Officer noted that conditions had been set for the Applicant to meet the minimum sustainability standards and evidence must be submitted.
- 38) In response to Councillor Brown the Flood Risk Management Officer explained that she had assessed the application and the records of reported floods; however the majority of the flooding issues were at the north of the site and had not received a flooding report on the exact site. It was added that the applicant had submitted a flood map that showed potential flood routes through the site. There were proposed soakaways; however, more information on these would be provided when reserved matters had been submitted.
- 39) In response to Councillor Inkpin-Leissner it was explained that the inspector considered the impact on traffic and transport on the previous application for 85 dwellings and concluded that the impact would not be severe.
- 40) In response to Councillor Miller the Senior Solicitor explained that there was not a legal duty for the Members to agree with the Planning Inspectors decision; however, an inspector's decision was a material consideration should a similar scheme be submitted and should the inspector's reasons for refusal appear to have been overcome the LPA needed to be mindful of the potential for a costs award.
- 41) In response to Councillor Miller the Development and Transport Assessment Manager explained that the pedestrian safety in the area was assessed and it was concluded that the development would not cause a significant impact and the application could only be recommended for refusal if the impact was severe.
- 42) In response to Councillor Littman it was explained that the conclusion from the assessments completed indicated that Site 42 had the potential to be developed with appropriate mitigation.
- 43) In response to Councillor Hyde the Principal Planning Officer noted that there would be a contribution towards education in the area, for both primary and secondary, to ensure the demand from the development was met. The Education Officer had previously noted that there was a limited choice of schools in the area and the sought money would likely be spent on improving the local schools.
- 44) The County Ecologist clarified to Councillor Hyde that there was a badger set to the north-west area of the site in the woods and this was protected. She also noted that there were not any ground nesting birds on site; however, it was likely to have birds nesting in the scrub and trees across the site and these were protected when breeding.

- 45) The Development and Transport Assessment Manager explained to Councillor Hyde that using the traffic data from 2014 was deemed acceptable as the survey had been taken within three years.
- 46) In response to the CAG representative the Principal Planning Officer noted that nine dwellings had been moved from the south of the site to ensure red thistle retention.
- 47) In response to Councillor C Theobald it was noted that there were various conditions in place to resolve the concerns raised by Southern Water regarding sewage and flooding in the area.
- 48) In response to Councillor Gilbey the County Ecologist explained that the previous decision made by the Planning Inspector was that robust mitigation would be needed for the hornet robberfly and red-star thistle.
- 49) In response to the Chair the County Ecologist explained that she was satisfied with the mitigation measures that were proposed by the developer and that grazing was vital for the survival of the red-star thistle.

Debate and Decision Making Programme

- 50) Councillor C. Theobald noted that the area was rural and in close proximity to the South Downs National Park and despite the development being reduced it was still an over development for the area. There were current problems in Rottingdean with traffic, pollution and the public transport service to the area was poor. She noted that the objector had raised that the village feel would be lost and she agreed. She expressed concerns for the species that could be lost and it would set a precedent. She added that she would be voting against the Officer's recommendation.
- 51) Councillor Miller explained that the Planning Inspector had noted concern for the harmful impact on the visual appearance of the area and this had not been resolved by the applicant. He explained that the red-star thistle was a rare species and expressed concern that the growth had not been mapped; therefore, he was not satisfied that the concerns with mitigation had been resolved. He noted that the CAG Representative had stated that the site was a strategic gap between Rottingdean, Woodingdean and Ovingdean and this would be lost by the development. He added that he would not be supporting the Officer's recommendation.
- 52) Councillor Morris highlighted that the Inspector had commented that the development would not be aesthetically pleasing due to the location of the site. He noted that the rural grassland was rich in diversity and it was identified as part of the Vale area and the ecological features within the site were a valuable factor. He explained that there was a housing crisis in the city and there were 39 sites that had been identified for having the potential to be developed. He noted that the proposed scheme was not contrary to policy and would therefore be supporting the Officer's recommendation.
- 53) Councillor Inkipin-Leissner noted that there was a conflict between the need for housing and the environment and explained that Brighton & Hove had a limited area to expand and develop. He explained that he could not refuse an application that would provide additional housing, including 40% affordable housing; however, he was aware that

over 500 objections had been received. He confirmed that he would be supporting the Officer's recommendation because there was a need for housing in the city.

- 54) Councillor Hyde explained that she would not be supporting the Officer's recommendation and noted that approximately 600 representations had been received by local residents. It was important to preserve the strategic gap between Rottingdean, Woodingdean and Ovingdean to ensure the village feel was kept. Councillor Hyde noted the objections that had been received and highlighted objections from Councillor Mears, Simon Kirby MP, Brighton & Hove Wildlife Forum, Buglife, Rottingdean Preservation Society and Deans Preservation Society. She explained that the red star thistle was a critical rare species and the proposed site had one of the highest growth rates in Sussex. Councillor Hyde expressed concerns for the ecological aspects and noted that there were too many proposed dwellings for the site. Councillor Hyde noted that the Arbeco biodiversity report, which had been presented in response to the application, had not been available when the previous application had been determined.
- 55) Councillor Allen noted that it was a difficult application to consider as there was a housing need for the city that the development could provide and that not all developments could be done on brownfield sites. He explained that once a species rich grassland had been developed it could not be recreated and he was unsure if the correct level of mitigation was proposed; therefore, he was undecided whether he would be supporting the Officer's recommendation.
- 56) Councillor Moonan stated that there was a primary need for housing and the majority of the designated sites for housing were brownfield; however, some urban fringe sites would have to be developed to reach the housing target. She noted that the Planning Officer and developer had worked together to ensure mitigation was in place to maintain the ecological value of the site. The transport and air quality issues raised had been resolved by the Planning Inspector; therefore, she would be supporting the Officer's recommendation.
- 57) Councillor Littman noted that the City Plan had been agreed by Members and this included developing on urban fringe sites; however, due to the location of the site and the increased pressures it would have on the schools and traffic he believed that Members had made a mistake allocating the site for potential development. He did not believe that the agreed mitigation was adequate without being detrimental to the environment and ecology. He added that he would not be supporting the Officer's recommendation.
- 58) The CAG Representative explained that CAG advised Members to refuse the application as the strategic gap between two historical villages should be kept. Both villages had conservation area status and the village character would be lost if the development was agreed.
- 59) Councillor Gilbey noted that housing was needed in the city and an appeal for the development would be likely lost if the application was refused; therefore, she would be supporting the Officer's recommendation.

- 60) Councillor Mac Cafferty thanked the Officer's for their work and explained that the Member's needed to bear in mind the policies when making a decision to not support the Officer's recommendation. He explained that the mitigation had been evidenced by the County Ecologist and Principal Planning Officer. He added that he was undecided if he would support the Officer's recommendation and he fully understood the reasons raised by the objectors.
- 61) The Chair agreed with Councillor Mac Cafferty and Moonan regarding the housing crisis and explained that the Members had all agreed the City Plan and that they should follow it. She thanked the Officer's and colleagues from East Sussex County Council and noted that she was satisfied with the mitigation that was supported by the County Ecologist.
- 62) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was refused with 5 votes for and 7 votes against.
- 63) Councillor Miller proposed an alternative to the Officer recommendation to refuse the application on the following grounds:
- 1) Ecological impact; harm to ecology and biodiversity not sufficiently mitigated;
 - 2) Harm caused to setting of Ovingdean and Rottingdean Conservation areas and loss of gap between villages;
 - 3) Increase in traffic would have a harmful impact on the AQMA;
 - 4) Overdevelopment.
- 64) Councillor Miller's alternative recommendation was seconded by Councillor Hyde.
- 65) A recorded vote was taken on the proposed alternative recommendation by the 12 Members present. This was **carried** with Councillors C. Theobald, Mac Cafferty, Brown, Hyde, Littman and Miller in support, Councillors Gilbey, Inkpin-Leissner, Moonan, Morris and Cattell against and Councillor Allen abstained.
- 150.1 **RESOLVED** – That the Committee had taken into consideration the recommendation set out in section 1 of the report but resolves to **REFUSE** planning permission for the reasons outlined by Councillor Miller set out in paragraph 63 above.

B BH2016/05803 - 22 Freshfield Street, Brighton - Full Planning

Change of use from four bedroom maisonette (C3) to six bedroom small house in multiple occupation (C4).

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

Officer Presentation

- 2) The Principle Planning Officer, Gareth Giles, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and highlighted the further information circulated and published in the addendum.

- 3) It was explained that there was one existing HMO within a 50 metres radius of the site and the potential HMOs raised at the previous Planning Committee were checked against the planning records and there were not any additional known in the area.
- 4) The Officer noted that the bedrooms were all above the national minimum standard. The Officer explained that the head height of the loft room was up to 1.8 metres; however, some areas of the room were less than 1.5 metres in height. It was noted that the area above 1.5 metres in head height was compliant with the national minimum standard of 7.5m².
- 5) It was explained that the HMO housing licensing size standard was 6.5m² and the national planning size standard was 7.5m².

Questions for Officers

- 6) In response to Councillor C. Theobald it was noted that there were communal bathrooms on the first floor for the residents and also on the second floor to use.

Debate and Decision Making Process

- 7) Councillor Inkpin-Leissner noted that it was unnecessary for the report to highlight objections received by the residents stating that an HMO would attract homeless people that would encourage antisocial behaviour. He also explained that he would not be supporting the Officer's recommendation as there would be too many residents in one property.
 - 8) Councillor C. Theobald noted that the loft room would have been ideal as a double bedroom.
 - 9) Councillor Moonan explained that she was concerned for the loft room and agreed with Councillor C. Theobald that it would make an ideal double bedroom. She explained that the rooms were within the national space standards and the Council would not win at appeal stage; therefore, would be supporting the Officer's recommendation.
 - 10) Councillor Miller noted that he would not be supporting the Officer's recommendation as the loft room was unacceptable and he was concerned for the amenity of the residents.
 - 11) Councillor Hyde noted concern for the loft room; however, as it complied with the policy she would be abstaining from the vote.
 - 12) The Chair then put the application to the vote and the Officer recommendation was **carried** with 6 in support, 3 against and 2 abstentions.
- 150.2 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation and resolves to **grant** planning permission subject to the conditions and informative set out in section 1.

Note: Councillor Morris was not present for the consideration and vote on this application.

C BH2016/06310 - Land to the Rear of 4 - 34 Kimberley Road, Brighton - Full Planning

Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road.

Officer Introduction

- 1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. He explained that the four proposed dwellings would be located between Kimberly Road and Ladies Mile Road in a residential area. There had been a previous application for four dwellings approved at Committee; however, new planning permission was being sought due to the reconfigured locations of the dwellings and the amendments to their appearance. The distance from the neighbouring properties was acceptable and there would not be a detrimental impact on their amenity.

Questions for Officers

- 2) In response to Councillor Morris the Development and Transport Assessment Manager explained that the access road would be private and not adopted by the Council.

Debate and Decision Making Process

- 3) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously.

150.3 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

- D BH2017/00693 - 16 St Lukes Terrace Brighton - Householder Planning Consent**
Erection of single storey rear extension, alterations to fenestration and installation of flue pipe.

Officer Introduction

- 1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings.

Decision Making Process

- 2) A vote was taken by the 12 Members present and the Officer recommendation that the Committee grant planning permission was carried unanimously.

150.4 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informative set out in section 1.

- E BH2016/02639 - 17 Marmion Road, Hove - Removal or Variation of Condition**
Application for variation of condition 2 of application BH2015/00914 (Demolition of existing building and erection of 5no three bedroom dwelling houses) to incorporate single storey extensions to rear elevation and the reconfiguration of the top floors and the removal of condition 14 which states that prior to first occupation of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Officer Introduction

- 1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained the application sought the removal of condition 14 outlining that residents would not have an entitlement to a resident's parking permit and the variation of condition 2 to reconfigure the internal layout, which would consequently change the external appearance.
- 2) It was noted that representations had been received suggesting that the elevational drawings of the previously approved and proposed dwellings were misleading and the dwellings were taller. It was explained that the reduction of the terrace would benefit the neighbouring properties as there would be less overlooking from the proposed dwellings. It was added that the Highways Officer had stated that the removal of the car free condition would be acceptable for the area.

Questions for Officers

- 3) In response to Councillor Gilbey the Officer noted that there would be a boundary fence between the rear gardens and the Drill Hall.
- 4) In response to Councillor Morris the Officer explained that the two trees had been removed; however, these were not protected.

Debate and Decision Making Programme

- 5) The Chair proposed to remove condition 12 from the permission as it was not appropriate to impose landscaping conditions on residents.
 - 6) **RESOLVED** – That the Committee agreed to remove condition 12 from the planning permission, with 9 votes for, 1 against and 2 abstentions.
 - 7) A vote was taken by the 12 Members present and the Officer recommendation that the Committee grant planning permission was carried unanimously.
- 150.5 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

F BH2017/00262 - Canons, 27A Preston Park Avenue, Brighton - Variation Of Condition

Variation of condition 1 of application BH2016/01925 (Demolition of existing dwelling and erection of 1no two storey three bedroom dwelling (C3).) to allow increase in height of parapet to sedum roof.

- 1) Councillor Allen declared an interest as he had had correspondence with the objectors and the applicant over one year ago; however, he had an open mind and would stay for the consideration of and vote on the application.

Officer Introduction

- 2) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained that the application sought the variation of condition 1 to increase the parapet by 530mm to be able to install a green roof. The proposal was 200mm lower in height than the previous scheme, which the Planning Inspector had concluded that it was acceptable and would not increase overlooking on neighbouring properties.

Decision Making Process

- 3) A vote was taken by the 11 Members present and the Officer recommendation that the Committee grant planning permission was carried with 10 votes for and 1 abstention.

150.6 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

Note: Councillor Mac Cafferty was not present for the consideration and vote.

G BH2016/06262 - 9 Sunnydale Avenue, Brighton - Full Planning

Demolition of existing bungalow (C3) and erection of 2 no four bedroom residential dwellings (C3) with vehicle crossover.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

Officer Introduction

- 2) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The proposal was to demolish the existing bungalow and construct 2 two storey dwellings. It was noted that there was a two storey extension on the neighbouring property. The dwelling would be brick and render appearance and the current street scene was of mixed appearance.

Questions for Officers

- 3) In response to Councillor Hyde the Officer noted that there was a proposed black, steel flue on the roof.
- 4) In response to Councillor Morris the Development and Transport Assessment Manager explained that condition 5 would secure the footway improvements.

Debate and Decision Making Process

- 5) Councillor Hyde noted that it was a good use of the site.
- 6) The Chair proposed to remove condition 14 from the permission.

- 7) **RESOLVED** – That the Committee agreed to remove condition 14 from the planning permission, with 9 votes for and 2 abstentions.
- 8) A vote was taken by the 11 Members present and the Officer recommendation that the Committee grant planning permission was carried unanimously.
- 150.7 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

Note: Councillor Mac Cafferty was not present for the consideration and vote.

151 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

- 151.1 There were no further requests for site visits in relation to matters listed on the agenda.

152 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

- 152.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

153 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

- 153.1 The information was not provided in the agenda.

154 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

- 154.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

155 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 155.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

156 APPEAL DECISIONS

- 156.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

157 PART TWO MINUTES

- 157.1 **RESOLVED** – That the Chair be authorised to sign the part two minutes of the special meeting held on 3 April 2017 as a correct record.

158 PART TWO PROCEEDINGS

158.1 That the information contained Part Two will be released to the press and public.

The meeting concluded at 6.35pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 21 JUNE 2017****COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Cobb, Hamilton, Littman, Moonan, Morris and Taylor

Co-opted Members: Mr J Mustoe, CAG

Officers in attendance: Paul Vidler (Planning Manager), Jonathan Puplett (Principal Planning Officer), Steven Shaw (Development and Transport Assessment Manager), Gareth Giles (Principal Planning Officer), Chris Swain (Principal Planning Officer), Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer).

PART ONE**1 PROCEDURAL BUSINESS****1a Declarations of substitutes**

1.1 Councillor Taylor was present in substitution for Councillor Hyde, Councillor Cobb was present in substitution for Councillor Miller and Councillor Hamilton was present in substitution for Councillor Russell-Moyle.

1b Declarations of interests

1.2 There were none although it was noted by the Chair, Councillor Cattell that all Members of the Committee had received correspondence from the applicants in respect of Application A, BH2016/02663, 1 - 3 Ellen Street, Hove.

1c Exclusion of the press and public

1.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the

meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

- 1.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

1d Use of mobile phones and tablets

- 1.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

2 MINUTES OF MEETING HELD ON 12 APRIL 2017

- 2.1 **RESOLVED** - That the Chair be authorised to sign the minutes of the meeting held on 12 April 2017 as a correct record.

3 MINUTES OF THE PREVIOUS MEETING

- 3.1 It was noted that the minutes of the meeting held on 10 May would be circulated for approval with the papers for the next scheduled meeting of the Committee on 12 July 2017.

4 CHAIR'S COMMUNICATIONS

- 4.1 The Chair, Councillor Cattell, explained that mandatory training had been arranged for all Members of the Committee on 4 July 2017 details about which would be forwarded shortly.

5 PUBLIC QUESTIONS

- 5.1 There were none.

6 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 6.1 There were none.

7 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2016/02663 -1-3 Ellen Street, Hove - Full Planning

Demolition of existing commercial units (B8) and erection of buildings ranging from four storeys to seventeen storeys in height comprising a mixed use development of no.186 residential apartments (C3), 1,988 sqm of offices (B1) and 226sqm of retail (A1) with car parking at basement level.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.

Officer Presentation

- (2) It was noted that letters of objection had been received from Councillor Brown and that revised layout and fenestration drawings had been received which improved the levels of daylight to the residential units in the development.
- (3) The Principal Planning Officer, Chris Swain, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. The site sat to the west of Hove Station to the south side of Conway Street and was currently occupied by single storey brick and metal clad industrial sheds with associated car parking. The Brighton & Hove Bus Company was located in the buildings/land to the north of the site and also owned the car park to the west end of the site which did not form part of the application site. There were three and four storey office buildings to the west with mixed commercial buildings beyond. To the south of the site there were ten storey residential blocks which formed part of the Clarendon Estate with low rise residential development at the base of the blocks along with garages and car parking. To the east of the site were the rear of properties which front Goldstone Villas the majority of which had single storey additions and garages fronting onto Ethel Street. A number of these had been converted to commercial uses some set out over two storeys. The east side of Ethel Street was occupied by open off street private car parking bays.
- (4) The application site lay immediately to the west of the Hove Station Conversation Area and adjoined the Denmark Villas Conservation Area to the east. To the north east of the site was the Grade II listed Hove Station, which formed an architecturally and historically important grouping with the adjacent public house at 100 Goldstone Villas, included on the council's local list. Each building was contained within the Hove Station Conservation Area and was also within the Conway Street Industrial Area Strategic Allocation, within the wider policy DA6 Hove Station Area of the Brighton & Hove City Plan Part One.
- (5) The principle of development on this site was fully supported and encouraged by planning policy, being located within the Conway Street Industrial Area Strategic Allocation. Officers had undertaken significant discussions and negotiations with the applicants to overcome concerns and to secure an acceptable scheme. The scheme was challenging in terms of the amount of development proposed, its form, appearance and impact on the locality. When its impact was weighed up against its positive benefits of kick-starting redevelopment of a Development Area Strategic Allocation and the provision of improved public realm it was supported. However, it had not been possible for the applicant to reach agreement with the District Valuer Service (DVS) on the amount of affordable housing within the scheme, taking into account the viability of the development. Whilst the proposals have been independently assessed by the DVS as being viable with 25% affordable housing to an appropriate tenure mix, this had not been agreed by the applicant who was offering 18.8%. Under those circumstances, the proposed scheme was contrary to policy CP20 of the City Plan. The level of affordable housing provision offered by the applicant was significantly

below the 25% which had been independently assessed as being viable by the DVS and refusal was therefore recommended.

Consideration of Deferral

- (5) Councillor Moonan referred to the recent publication of the viability information from the applicant and the DVS and the additional technical information which had been received from the applicants the previous day considering that in view of the late date at which it had been received it would be appropriate to defer consideration of the application until the next scheduled meeting of the Committee in order to enable it to be fully assessed. The Chair, Councillor Cattell was in agreement stating that she considered it regrettable that this information had been made available and submitted very late in the process. To hold consideration of the application over to the next meeting would be with the “open book” approach being adopted.
- (6) Councillor C Theobald stated that it was up to individual Members to decide whether they had sufficient information before them in order to make a decision asking whether officers considered that this represented a material change. Councillor Littman concurred, considering that if officers considered this represented a material change that they would have indicated that.
- (7) Councillor Mac Cafferty sought confirmation that officers were satisfied that Members had sufficient information before them to make a decision. Councillor Morris concurred, considering it regrettable that the information received had been received so late.
- (8) In answer to questions, the Planning Manager, Major Applications, explained that the information received had been made available to members at the earliest possible date, further advice had been sought from the District Valuer and the officer recommendation remained unchanged.
- (9) A vote was taken and on a vote of 6 to 5 Members agreed to consider the application at that meeting.

Public Speaker(s) and Questions

- (10) Ms Paynter spoke in her capacity as a local resident setting out her objections and those of other neighbouring residents to the scheme. In their view the scheme was overbearing and would have unacceptable impacts on the quality of life of the nearest residents and at 17 storeys the height would be too great and a development of that height should be resisted. The Design Access Statement had demonstrated how intrusive the development would be, it would be worse at night when lit and no assessment of that had been made, also, that the requirement for 40% affordable housing should be met.
- (11) Mr Gibson spoke in support of the scheme on behalf of the Hove Station Neighbourhood Forum. Overall subject to resolution of concerns especially in relation to the proposed public realm improvements the Forum was of the view that any harm to heritage assets would be substantially offset by a combination of improvements to the public realm immediately west of Hove Conservation Area and by the sustained investment in the historic buildings themselves.

- (12) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor. Councillor O'Quinn stated that she had had been aware of the scheme from an early point. The proposals had a high level of support locally as it was considered that it would totally transform the area for the better, making it a far more pleasant place to live and would also utilise a brownfield site. The development would also provide residential housing and office and retail space which was much needed in this badly neglected area of Hove.
- (13) Mr Lomax spoke on behalf of the applicant in support of their application. He explained that careful thought had been given to the way in which the scheme had been designed and put together. It would provide much needed improvement to an area of Hove which had been neglected, with a mixed use development which would provide both housing and commercial uses. The requirement for 40% affordable housing was unrealistic and the information provided by the DV was refuted as the applicant's own independent assessment had arrived at different conclusions.

Questions for Officers

- (14) Councillor Bennett enquired regarding the level of amenity space proposed and the applicant's representative confirmed that it was proposed that all of the units would have their own balcony space.
- (15) Councillor Cobb enquired regarding the amount of amenity space being provided across the scheme as a whole and the distance between the development and the nearest residential dwellings.
- (16) Councillor Moonan referred to the variance between the level of affordable housing proposed by the applicants as against that suggested by the District Valuer Service (DVS), enquiring regarding the rationale for use of information provided by the DVS, the weight and validity given to that information. It was explained that the DVS was used by Local Authorities and gave independent advice on all applications where it was appropriate for such an assessment to be made. Each application was judged on its individual merits and in instances where the DVS considered the applicant's viability assessment justified a level of affordable housing below policy compliance this would be set out in the report and taken into account in the officer's recommendation. A consistent approach was used in that all applications subject to a viability assessment were considered by the DVS. There had been no instances where non-policy compliant levels of affordable housing had been accepted contrary to the advice of the DVS.
- (17) Councillor Bennett enquired about details of any anticipated additional traffic in the vicinity of the site.
- (18) Councillor Mac Cafferty referred to "demonstrable harm" which would result seeking further information and clarification of the details appertaining to this scheme. It was explained that the level of "harm" would largely be mitigated by the improvements which would result from the scheme. The principle of development was fully supported, however, the scheme was challenging in terms of the amount of development proposed, its form, appearance and impact on the locality. The proposals had been

independently assessed by the DVS as being viable with 25% affordable housing as an appropriate tenure mix. The applicant had indicated that they were only prepared to offer 18.8% and it was on that basis that refusal was recommended.

Debate and Decision Making Process

- (19) Councillor C Theobald stated that the scheme would provide significant improvements and would provide some affordable housing which would not be available otherwise. The scheme would be quite tall however and she would have preferred to see more on-site parking.
- (20) Councillor Taylor stated that the scheme for redevelopment of this site had taken a long time in coming to fruition and would provide much needed housing some of which would be affordable, he welcomed the scheme.
- (21) Councillor Moonan stated that although there was much to commend the scheme, she was concerned that the level of affordable housing was too low considering that the assessment of the DVS should be used as a benchmark as that approach was consistent with that used for other schemes. Councillors Gilbey and Morris concurred in that view.
- (22) Councillor Mac Cafferty stated that some elements of the scheme were fantastic, the current scheme had been a long time in preparation, however, the scheme should be fantastic for everyone and ultimately as it would deliver such a low level of affordable housing he was unable to support it in its present form. Councillor Littman was in agreement and considered that it was important to respect the views of the DVS as the independent expert used by the authority.
- (23) Councillor Hamilton welcomed the mix of residential and commercial uses provided by the scheme, but on balance considered the element of affordable housing proposed to be too low.
- (24) Councillor Bennett was in agreement with others that the scheme was too high, also that it would have a negative impact on traffic and parking, that the recreational space was too small and that the comments received from the Design Panel had not been taken on board.
- (25) The Chair, Councillor Cattell concluded the debate by stating that she was in agreement that whilst there were many positive elements to the scheme and whilst it was recognised that it would affect improvements to the area ultimately, it was contrary to Policy CP20 of the City Plan and she therefore supported the officer recommendation that the application be refused.
- (26) A vote was then taken and the 11 Members present at the meeting voted that planning permission be refused on a vote of 9 to 2.
- 7.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reason set out in the report.

B BH2016/05312 -65 Orchard Gardens, Hove-Full Planning

Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the Ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.

Officer Presentation

- (2) The Principal Planning Officer, Jonathan Puplett introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was also noted that Councillor Brown had submitted a letter of objection in respect of this scheme.
- (3) Permission was sought for clearance of the site, demolition of the existing buildings, and the erection of a 4/5 storey building comprising ground floor office space (B1(a)), ground floor double height car parking area, and the provision of 23 self-contained flats to the upper floors. Nine affordable units were proposed; five as affordable rent and four as shared ownership. 23 car parking spaces were proposed, three of which were suitable for disabled access. A landscaped communal garden area was proposed to the eastern side of the site atop the flat roof of the ground floor car park.
- (4) It was considered that although the proposed development would result in the loss of the existing employment use; the new building would deliver replacement employment floorspace and a potential net uplift in the number of staff which would be accommodated. The proposed residential units would provide a good standard of accommodation, 40% affordable units and an acceptable mix of unit sizes. The proposed building design would appear in contrast to the prevailing character of the Nevill Road street scene, but would relate well to the larger buildings fronting on to Old Shoreham Road, and overall was considered to represent a good standard of design which would have a positive impact upon the Nevill Road and Orchard Gardens street scenes. The scheme would provide for 40% affordable housing and conditions were recommended to secure 10% of affordable units overall wheelchair accessible; approval was therefore recommended.

Questions for Officers

- (5) Councillor Moonan referred to the concerns expressed by the Police requesting clarification regarding measures taken to address those concerns, also regarding whether windows to the rear would be non-opening. It was confirmed that mitigation measures had been taken and that the windows would not be non-opening but would be vented so that there would be a fresh air source without the need to open the windows.
- (6) Councillor C Theobald asked to see plans relating to the previous scheme in order to see the differences between the two.

- (7) Councillor Cobb referred to the proposed transport contribution stating that she was aware that various traffic improvements were proposed in the vicinity of Old Shoreham Road seeking clarification of what was proposed, stating that she hoped that there would not be any duplication of work and that one scheme would not compromise another. It was explained that the area would be assessed in order to make improvements overall.
- (8) Councillor Morris enquired regarding the location of the lifts.
- (9) Councillor Bennett required regarding potential loss of light to neighbouring buildings and it was explained that although there would be some loss it fell well within BRE guidelines.

Debate and Decision Making Process

- (10) Councillor Hamilton stated that he was pleased to note that the amended scheme had been reduced and that he supported the officer recommendations. Councillor Morris also welcomed the scheme.
- (11) Councillor Littman stated that in his view the proposed scheme represented a good use of the site.
- (12) Councillor Bennett stated that whilst generally supportive of the scheme she considered that in its present form it was too high and would be detrimental to neighbouring amenity. Councillor C Theobald concurred in that view.
- (13) Councillor Cobb stated that it would be preferable for fewer cycle spaces to be provided and for some motor cycle bays to be provided in their stead. Overall, she considered the scheme to be too high and could not therefore support it.
- (14) A vote was taken and the 10 Members present at the meeting voted that minded to grant planning permission be given on a vote of 6 to 4.

- 7.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and to the Conditions and Informatives set out in the report.

Note: Councillor Mac Cafferty was not present at the meeting during consideration of or voting in respect of the above application.

- C BH2016/01766 - 76-79 and 80 Buckingham Road, Brighton - Full Planning**
Conversion of nos 76-79 Buckingham Road to provide four residential dwellings (C3). Demolition of no 80 Buckingham Road and the erection of a five storey building to provide 20 residential units (C3) and a community use unit (D1). Associated car parking, cycle parking, landscaping and servicing provision.

Officer Presentation

- (1) The Principal Planning Officer, Gareth Giles, gave a presentation by reference to site plans, photographs and elevational drawings. It was explained that at the meeting of the Committee which took place on 12 October 2016, Minded to Grant planning permission had been given subject to a Section 106 Agreement and a number of conditions. The affordable housing provision considered at the meeting was of 40% (9 units) of the net 22 new units being provided on-site. This complied with City Plan Part One Policy CP20 which requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. Officers had requested that the applicant liaise with the Council's panel of Registered Providers for affordable housing to confirm their willingness and ability to provide the proposed units. Four of the Registered Providers had responded saying the number of units was too small to currently consider and the fifth had responded saying they would only consider Shared Ownership units if they could acquire the freehold. The Council's Housing Strategy Team had independently confirmed the position of each Registered Provider.
- (2) As on-site affordable housing provision was not currently feasible given the ;lack of willingness from Registered Providers of affordable housing to take on the units, a fall-back position of financial contributions towards affordable housing in lieu of on-site provision in the form of a Commuted Sum was therefore relevant. In addition, an option should be included in the Section 106 Agreement to provide on-site affordable housing should the position of the Registered Providers change in the future.

Questions for Officers

- (3) Councillor Littman sought clarification regarding the commuted sum being sought and how this would be applied if used off site.
- (4) Councillor Gilbey sought clarification as to whether the Committee were being requested to choose between either of the options and it was confirmed that the Committee were being requested to agree to both options in order that the most appropriate could be pursued.
- (5) Councillor Morris asked for clarification regarding configuration of the roofs.

Debate and Decision Making Process

- (6) Councillor C Theobald considered that the scheme was acceptable, the options suggested provided a good compromise and asked whether it was intended that the blue plaques on site would be re-instated. It was explained that the applicants had agreed to reinstate the existing plaques on completion of the work.
- (7) Councillor Cobb concurred considering that the Council would need to determine the location of any off site provision.
- (8) A vote was taken and the 10 Members present at the meeting voted unanimously that minded to grant planning permission be given.

7.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Appendix 1 to the report as modified by this

update report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and to the Conditions and Informatives also set out in the report.

Note: Councillor Mac Cafferty was not present at the meeting during consideration of or voting in respect of the above application.

MINOR APPLICATIONS

- D BH2016/02797 -Patcham Service Station,Patcham By Pass,London Road,Brighton -Full Planning**
Installation of two car wash bays.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application by reference to photographs, drawings and plans indicating the location of the car wash bays which it was proposed would be installed to the north of the petrol station forecourt.
- (2) It was explained that the main area of concern related to potential noise impact in view of the close proximity to residential dwellings. The Environmental Health Team had raised concerns regarding potential noise which could result from jet washing and in consequence an acoustic report had been required detailing the noise impact on residential dwellings. This had been assessed having regard to the equipment which would be used measuring noise emitted by the jet wash itself, the jet wash alarm and the vacuum, the loudest of these being the alarm. The report had demonstrated that due to the high traffic noise level produced by the London Road on which the petrol station was located noise from the car wash itself would have a "low impact" on neighbouring residents and Environmental Health had indicated that the submitted report was scientifically robust.
- (3) An additional condition was also recommended requesting full details of the drainage system proposed prior to commencement of the development and approval of the proposals was therefore recommended.

Questions for Officers

- (4) Councillor Littman sought clarification of the potential impact of the appearance of these structures on neighbouring dwellings. It was explained that they would be lightweight screened structures which would not impact on local heritage assets.
- (5) Councillor Morris enquired regarding the purpose of the alarm system and it was explained that this was activated when the wash cycle entered its final phase.
- (6) Councillor C Theobald referred to the location of the proposed units and sought information regarding the distance between them and the nearest dwellings.

Debate and Decision Making Process

- (7) Councillor C Theobald stated that she remained concerned that neighbouring properties would suffer noise disturbance as a result of the proposed car washes and also had

concerns regarding water drainage, especially as the area was prone to surface water flooding. In consequence she did not feel able to support the application.

- (8) A vote was then taken and the 10 Members present voted that planning permission be granted on a vote of 7 to 3.

- 7.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report and the additional condition set out below:

Additional Condition 4:

No development shall take place until full details of the proposed drainage system, including silt traps, sump chamber and discharge, and a maintenance strategy for the drainage system, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure that waste water associated with the proposed development is suitably treated and discharged and to comply with policies SU3 and SU5 of the Brighton & Hove Local Plan.

Note : Councillor Mac Cafferty was not present at the meeting during consideration or voting in respect of the above application.

- E BH2017/00482 -Brighton College, Eastern Road, Brighton**
Erection of a two storey temporary classroom with ancillary temporary two storey changing rooms, single storey temporary toilets and storage unit.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs and a satellite view showing the proposals in the context of the site as whole. The development site formed part of a multi games court area and was located at the north end of the site in close proximity to the listed boundary wall which ran along Walpole Terrace and College Terrace. The application sought consent for a two storey modular classroom and 4 temporary ancillary buildings including a two storey changing facility, two storey toilet/showers, single storey toilet and showers and a storage unit.
- (2) It was explained that the main considerations in determining the application related to the impact of the temporary classroom building on the appearance of the site, the setting of the adjacent listed buildings and boundary wall, the wider College Conservation Area and the amenities of adjacent occupiers. The facilities were required for a three year period to facilitate the construction of the recently approved sports and science building which it was envisaged would take approximately two years to complete.
- (3) Whilst it was acknowledged that the proposed buildings would not be an attractive addition to the school, they would however be set below the existing high boundary wall along College Terrace. As a permanent structure they would result in clear harm

to the setting of the adjacent Grade II listed wall and the College Conservation Area.. The proposed temporary buildings were considered acceptable only as a temporary installation whilst works to implement the planning permission were carried out and approval was therefore recommended.

Questions for Officers

- (4) Councillor Morris referred to the ongoing works at the site and sought clarification regarding how the works would impact on access in the vicinity. Currently, for instance, a temporary crossing had been provided in Freshfield Road and had been removed subsequently, and he understood that further hoardings would be erected as the scheme progressed. In response it was explained that the proposed structures on site were considered minimal in the context of the overall scheme. Works to the highway would require the appropriate licenses which fell under the remit of licensing legislation.
- (5) Councillor Gilbey sought confirmation regarding the height of the proposed structures in relation to the adjacent listed boundary wall and it was confirmed that the gap between the proposed temporary structures and the wall was such that it was considered there would be no significant structural impact.
- (6) In answer to questions by Councillor C Theobald it was explained that if temporary structures would only be permitted for the duration of the other works being carried out. If those were completed ahead of schedule then the temporary structures would be removed at an earlier date.
- (7) Mr Mustoe, stated that CAG which he was representing that day had recently received details relating to another temporary structure at a recent meeting and enquired why it had not been possible for both applications, this one and that, to be considered together. It was explained that applications were processed in the order that they arrived and were submitted to Committee for decision once all necessary work had been completed.

Debate and Decision Making Process

- (8) Councillor Morris stated that he was grateful for the clarification received and confirmed that on the basis of the information provided he was able to support the officer recommendation.
 - (9) Councillor Taylor stated that he was familiar with the site which was surrounded by dwelling houses and blocks of flats. He was aware that trees on the site provided screening and considered that the proposals were modest as evidenced by the small number of objections and was able to support the officer recommendation.
 - (10) A vote was then taken and the 10 Members present voted unanimously that planning permission be granted.
- 7.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

Note: Councillor Mac Cafferty was not present during consideration or voting in respect of the above application.

F BH2017/00690 -92 Southall Avenue, Brighton - Full Planning

Change of use from a three bedroom single dwelling (C3) to a four bedroom small house in multiple occupation (C4).

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans and drawings showing the existing and proposed layout. A mapping exercise had been undertaken to determine the percentage of HMO's within a 50m radius, and a diagram setting out this information was shown. The overall number of HMOs within that radius was 7.89 percent which was within the 10% limit specified within policy CP21. As such the cumulative impact of the proposed HMO on the area was not such that it was considered that it would cause harm to local amenity.
- (2) The main considerations in determining the application related to the principle of the change of use, impact on neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact on the character and appearance of the property on the surrounding area. Occupancy would be restricted to a maximum of 5 unrelated persons residing in the property and it was proposed that an additional condition to that effect be added to any permission granted. It was not therefore considered that there would be any increased impact on adjoining occupiers in respect of noise and disturbance was such that it would warrant refusal of planning permission; approval was therefore recommended.

Public Speakers

- (3) A letter was read out by the Penny Jennings, Democratic Services Officer, on behalf of Councillor Yates who was unable to attend the meeting. The letter detailed Councillor Yates' objections to the proposals and made reference to a recent Inspector's decision which had dismissed an appeal against refusal to grant 3 additional MHO bed spaces to an existing HMO in 25 Wheatfield Way, Brighton. Councillor Yates considered that this application should be considered in the same way given that a number of objections had been received citing similar concerns in relation to noise and disturbance.
- (4) It was noted that as objections had been received and were read out at the meeting the representatives on behalf of the applicant/agent had been invited to attend the meeting.

Questions for Officers

- (5) In answer to questions relating to the appeal decision referred to by Councillor Yates it was explained that it was not germane to the consideration of this application.

- (6) Councillors C Theobald and Taylor sought further clarification regarding the number of HMO's within a 50m radius and it was confirmed only those HMO's which fell within the agreed radius could be considered. If approval of an application would take the percentage use above 10% that would not constitute sufficiently robust grounds for refusal but would be relevant in the event of subsequent applications being received.

Debate and Decision Making Process

- (7) A vote was then taken and the 10 Members present at the meeting voted that planning permission be granted on a vote of 8 with 2 abstentions.

- 7.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informative also set out in the report and to the additional condition set out below:

Additional Condition 6:

The development hereby approved shall only be occupied by a maximum of five (5) persons.

Reason: To ensure the provision of satisfactory living space for occupants, and to comply with policy QD27 of the Brighton and Hove Local Plan.

Note: Councillor Mac Cafferty was not present at the meeting during consideration or voting in respect of the above application.

8 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

- 8.1 There were none.

9 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

- 9.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

10 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

- 10.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

11 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 11.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

12 APPEAL DECISIONS

- 12.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 6.20pm

Signed

Chair

Dated this

day of

